

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

Provision of Access for)
800 Service)CC Docket No. 86-10)
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ORDER ON RECONSIDERATION

Adopted: March 30, 1999

Released: March 31, 1999

By the Chief, Common Carrier Bureau:

I. INTRODUCTION

1. "Toll free service" is an interexchange service in which a subscriber agrees in advance to pay for all calls from a specified geographic area. In the *NASC Change Order*, the Common Carrier Bureau (Bureau) established procedures under which the toll free Number Administration and Service Center (NASC) could, upon request, change the Responsible Organization (Resporg) for toll free service accounts.¹ MCI Telecommunications Corporation (MCI) filed a petition for clarification or reconsideration of the requirement in the *NASC Change Order* that Resporg change requests be accompanied by "proper written authorization" from the toll free services customer. We grant MCI's request for clarification of the *NASC Change Order* and deny its request for reconsideration of that order.

II. BACKGROUND

2. The toll free database contains records for all toll free numbers in service and identifies the carrier serving each of those numbers. The NASC provides various administrative functions for the toll free database, and manages user access to database records. In order to safeguard the integrity of individual customer accounts in the database,

¹ *Provision of Access for 800 Service*, CC Docket No. 86-10, Order, 8 FCC Rcd 1844 (Com. Car. Bur. 1993) (*NASC Change Order*). The mechanics and significance of the Resporg change process are discussed *infra* in ¶¶ 2-3.

only one designated entity for each account, known as the Responsible Organization, or "Resorg," is permitted to modify the information in that account.

3. When the toll free database first became operational, the Resorg for each customer account was generally the toll free service provider for that account. Sprint filed a petition for declaratory ruling arguing that incumbent Resorgs could use their status to impede competition by delaying requested Resorg changes or by targeting service offerings to customers requesting Resorg changes. In response, the Bureau issued the *NASC Change Order*, which created a process under which a customer could authorize a new carrier to request that the NASC, as a neutral third party, change the Resorg assigned to a customer's account. Specifically, the Bureau authorized the NASC, upon "proper written authorization" from the customer, to change a customer's Resorg, thus allowing the new carrier to switch the customer's toll free service without relying on the incumbent carrier at all.² The *NASC Change Order* did not define "proper written authorization."

III. DISCUSSION

4. MCI argues that "proper written authorization" for Resorg changes should include the procedures that, according to our rules, IXCs currently must follow to confirm a customer request to change its primary interexchange carrier (PIC).³ The PIC is the carrier to which a customer's outbound interexchange calls are presubscribed. In the *PIC Change Order*, the Commission required IXCs to employ one of four authorized PIC change verification methods, or PIC change procedures, before submitting PIC change requests to LECs. One of the four authorized methods was a written authorization from the customer.⁴

² *NASC Change Order*, 8 FCC Rcd at 1845, ¶¶ 9-10.

³ MCI Petition at 2; see 47 C.F.R. § 64.1100.

⁴ The other three were electronic authorization when the customer calls a toll free number and records information on a voice response unit, oral authorization from the customer obtained by an independent third party operating in a separate location from the telemarketing representative, and the mailing of an information package to the customer and allowing a 14-day waiting period before submitting the PIC change to the LEC. *Policies and Rules Concerning Changing Long Distance Carriers*, CC Docket No. 91-64, Report and Order, 7 FCC Rcd 1038, 1045, ¶ 42 (1992) (*PIC Change Order*). The Commission recently adopted an order that, among other things, eliminates the fourth PIC change verification method, mailing an information package to the customer and submitting the PIC change to the LEC after a 14-day waiting period. See *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Unauthorized Changes of Consumers' Long Distance Carriers*, CC Docket No. 94-129, Further Notice of Proposed Rulemaking and Second Report and Order, FCC 98-334 (rel. Dec. 23, 1998), 64 Fed. Reg. 7745-62.

5. As noted above, MCI asked the Bureau first to clarify that the PIC change procedures adopted in the *PIC Change Order* are acceptable forms of verification for Resporg changes to the NASC. In the event the Bureau did not intend in the *NASC Change Order* to allow PIC change procedures to be used for Resporg changes, MCI asked that we reconsider our decision.

6. In response to MCI's initial request, we clarify that in our *NASC Change Order* the Bureau did not intend to allow PIC change procedures to be used for Resporg changes: we intended that all Resporg change authorizations be in writing. In response to MCI's second request, we conclude that the Bureau properly decided the petition filed by Sprint for the reasons stated in the *NASC Change Order*. There is no reason to disturb that decision.⁵

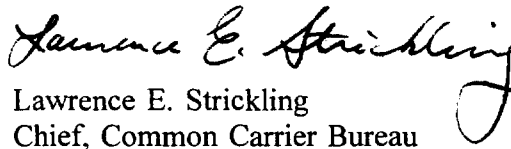
IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED that the petition for clarification filed by MCI Telecommunications, Inc. IS GRANTED to the extent discussed above;

8. IT IS FURTHER ORDERED that the petition for reconsideration filed by MCI Telecommunications, Inc. IS DENIED to the extent discussed above; and

9. IT IS FURTHER ORDERED that the request of AT&T IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION


Lawrence E. Strickling
Chief, Common Carrier Bureau

⁵ In an *ex parte* letter dated October 28, 1993, AT&T asks that we mandate that "third party verification" procedures similar to those for PIC changes be allowed for Resporg changes not only by the NASC, but among carriers. In third party verification, a customer verifies his or her decision to change carriers by offering oral confirmation to an individual not associated with or in the same location as the marketing employee who had been in contact with the customer. We decline the invitation of AT&T to mandate that incumbent Resporgs be required to allow carriers to use third-party verification procedures for Resporg changes. AT&T's request goes beyond the scope of the *NASC Change Order* that is the subject of this reconsideration proceeding. Given that the *NASC Change Order* and the MCI petition concern only the requirements that should be imposed on the NASC, not on incumbent Resporgs, we do not have an adequate record before us to implement the requirements AT&T seeks.